

FILED

LAW OFFICES OF VICTOR D. VERTNER, ESQ.
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RECEIVED

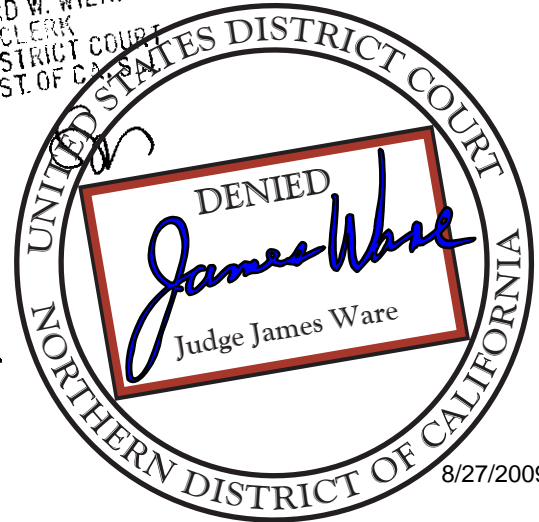
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AUG 26 2009

Attorney for Defendant
JAMIE HARMON

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CALIF.



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
(Judge James Ware)

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMIE HARMON et al.,

Defendants.

No. CR 08 00938 JW/PVT

**STIPULATION AND ORDER
REGARDING CONTINUATION
OF MOTION DATE**

I, VICTOR D. VERTNER, do hereby declare:

1. I am an attorney licensed to practice in California. I represent the defendant, JAMIE HARMON, in the above-entitled action.

2. I timely filed Jamie Harmon's Motions to Dismiss.

3. Richard Cheng filed his Opposition to Defendant's Motions to Dismiss on August 20, 2009 at 4:01 p.m. The opposition motion was filed ten days later than provided by the court's briefing schedule.

4. I would like to continue the motion hearing until October 19th, 2009 and vacate the current motion date of August 31, 2009.

1 5. There is good cause for continuing the motion hearing. I need two to three
2 weeks to respond to the government's response. I have two trials coming up.
3 The trial in People v. Plancarte, et. al CC896684, was scheduled to start August
4 24, 2009. However, one of the attorneys is starting another two week trial. The
5 Plancarte trial will probably be continued to begin two to three weeks after
6 August 24, 2009.

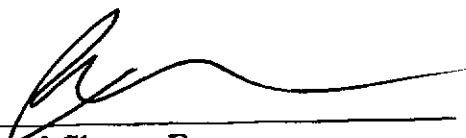
7 Trial in People v. Bejarano, CC942102, is set to begin September 21, 2009.
8 This trial has been continued before and most likely will not be continued again.
9 This trial will probably take a week. Thereafter, I will be at a conference in New
10 York October 1st and 2nd and then on vacation until October 14th, 2009. The
11 above reasons constitute good cause for continuing the motion hearing date to
12 October 19, 2009 given the untimely filing of the opposition's response and my
13 committed schedule.
14

15 6. Further exclusions of time were requested by the parties and granted by
16 this Court to the next hearing date scheduled for August 31, 2009.
17 Consequently, there exists a full seventy days for trial pursuant to 18 U.S.C.,
18 Section 3161 (c)(2) and (h) if time continues to be excluded.
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1 Sworn to under penalty of perjury, I hereby declare that the above is true
2 and correct to the best of my knowledge and belief. Executed this 21st day of August,
3 2009 in San Jose, California.
4

5
6 VICTOR D. VERTNER, Esq.
Attorney for Defendant Jamie Harmon
7

8 I have read the above and do not object to the motion being continued until
9 October 19, 2009. I stipulate.
10

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12 
Richard Cheng, Esq.
Assistant United States Attorney
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Attorney for Defendant Jamie Harmon
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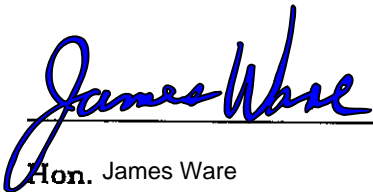
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12 Richard Cheng, Esq.
Assistant United States Attorney
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ORDER

The parties' stipulation is DENIED. Any reply shall be filed by **August 28, 2009**. The parties shall still appear for the scheduled hearing on **August 31, 2009 at 1:30 PM**.

Dated: August 27, 2009



Hon. James Ware
U.S. District Court Judge